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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,788	10/29/2003	Howard A. Baumer	1875.3640001	6066

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EXAMINER	
BOAKYE, ALEXANDER O	
ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/694,788	BAUMER, HOWARD A.	
	Examiner	Art Unit	
	ALEXANDER BOAKYE	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/15/2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 3, 9, 11, 17, 19-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the claims of the instant applications and the claim of the copending application being that the claim of the copending application discloses a plurality of programmable pads in communications with the plurality of parallel ports while the claims of the instant application lack such limitation. Therefore, it would have been

obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 4 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a packet bit error tester (BERT) connected to the bus, the packet BERT able to determine bit error rates of at least one of the multiple parallel ports and the multiple serial ports with the only difference between the claim of the instant application and the claim of the copending application being that the claims of the copending application disclose a plurality of programmable pads in communications with the plurality of parallel ports while the claim 4 of the instant application lack such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 5 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending

Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the claim of the instant application and the claim of the copending application being that the claim of the copending application discloses a plurality of programmable pads in communications with the plurality of parallel ports while the claim of the instant application lack such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claim of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 6 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the claim of the instant application and the claim of the copending application being that the claim of the copending application discloses a plurality of programmable pads in

communications with the plurality of parallel ports while the claim of the instant application does not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claim of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 7 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the claim of the instant application and the claim of the copending application being that the claim of the copending application discloses a plurality of programmable pads in communications with the plurality of parallel ports while the claim of the instant application does not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 8 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the claim of the instant application and the claim of the copending application being that the claim of the copending application discloses a plurality of programmable pads in communications with the plurality of parallel ports while the claim 8 of the instant application lack such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 10 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the

claim of the instant application and the claim of the copending application being that the claim of the copending application discloses a plurality of programmable pads in communications with the plurality of parallel ports while the claim of the instant application does not disclose such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the copending application for the benefit of establishing simultaneous paths among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 12-16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of copending Application No. 10/694,729. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite a transceiver, comprising: multiple parallel ports; multiple serial ports; and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports and the multiple serial ports with the only difference between the claims of the instant application and the claim 8 of the copending application being that the claim of the copending application discloses a plurality of programmable pads in communications with the plurality of parallel ports while the claims of the instant application lack such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the invention of the instant application using the claims of the copending application for the benefit of establishing simultaneous paths

among the plurality of ports. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 9 11, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al. (US Patent # 4,833,605) in view of Ganmukhi et al. (US Patent # 6,259,693).

Regarding claims 1, 18, 19, 20, 21, 22, 24, Terada teaches a transceiver (Fig. 1 and 2), comprising multiple parallel ports (column 4, lines 35-36); multiple serial ports (column 5, lines 9-10); and a bus connecting the multiple parallel ports and the multiple serial ports on a common substrate with the multiple parallel ports (column 5, lines 15-21; column 5, lines 42-49; the claimed common substrate corresponds to computer chip). Terada differs from the claimed invention in that Terada does not disclose that the multiple serial data ports and the multiple parallel data ports can be enabled and disabled to provide a specific configuration for the transceiver. Ganmukhi, from the same field of endeavor, teaches that the multiple serial data ports and the multiple parallel data ports can be enabled and disabled to provide a specific configuration for the transceiver (column 8, lines 15-25). One of ordinary skill in the art would have been

motivated to incorporate multiple serial data ports and multiple parallel data ports that could be enabled and disabled into a transceiver system in order to provide bandwidth sharing. Therefore, it would have been obvious to an artisan at the time of the invention to incorporate multiple serial data ports and the multiple parallel data ports that can be enabled and disabled to provide a specific configuration for the transceiver such as the one taught by Ganmukhi into the communication system of Terada with the motivation being that it provides capability for the system to make network elements share single thread, while ensuring that their collective bandwidth does not exceed the available thread bandwidth.

Regarding claim 9, Terada teaches that the bus is a parallel bus (the claimed bus is a parallel bus reads on bus 10 of Fig. 1).

Regarding claim 11, Terada teaches that each of the serial ports include a serial to-parallel converter, a parallel port of the serial-to-parallel converter connected to the parallel bus (column 5, lines 9-27).

Regarding claim 17, Terada teaches that data clock rates of the serial data ports and the parallel data ports are programmable (column 4, lines 7-11).

Regarding claim 23, Terada teaches that at least one custom logic block connected to the bus (see Fig. 22).

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al. (US Patent # 4,833,605).

Regarding claims 2 and 3, Terada teaches a transceiver (see Fig. 2). Terada does not explicitly disclose that the bus is configured to have a ring shape. However, Terada teaches daisy chain data transfer (column 6, lines 53-56). One of the ordinary skill in the art would have been motivated to configure a bus to have a ring shape since daisy chain can form a ring when the loop is closed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a daisy chain as taught by Terada in a ring shape with the motivation being that it provides capability for the system to transmit data from adjacent port to another adjacent port over the bus.

Response to Arguments

4. Applicant's arguments with respect to claims 1-17, 19-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham , can be reached on (571) 272-3179. The fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner
AB
4/02/05

CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
4/4/05